

EXHIBIT A

PETER MICHAEL LAW, LLC.

Peter Michael, Esq.

567 Summit Avenue

Jersey City, NJ 07306

P: (201) 292-1930

F: (201) 603-6775

Attorney ID#: 239882018

Attorney for Plaintiff

DUCIA THOMAS,

Plaintiff,

V.

**BJ'S WHOLESALE CLUB, INC., JOHN
DOES 1-10 (said names being fictitious), ABC
INC. 1-10 (said names being fictitious),**

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY**

DOCKET NO: HUD-L-

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiff, DUCIA THOMAS, by way of complaint against the Defendants, says:

THE PARTIES

1. Plaintiff, DUCIA THOMAS, is an individual residing at 12 Paterson Road, in the City of Jersey City, County of Hudson, and State of New Jersey.

2. Upon information and belief, defendant BJ'S WHOLESALE CLUB, INC., is a domestic corporation having a principal place of business at 396 Luis Munoz Marin Boulevard, in the City of Jersey City, County of Hudson, and State of New Jersey, and is licensed and/or authorized to transact business in the State of New Jersey.

3. Upon information and belief, defendant Advanced Property Management, Inc., is a domestic corporation having a principal place of business at 250 Pehle Ave., Suite 200, in the Township of Saddle Brook, County of Bergen, and State of New Jersey, and is licensed and/or authorized to transact business in the State of New Jersey.

4. On the date and time aforesaid, the true names or capacities, whether individual or corporate, associate, or otherwise of defendants John Does 1-10 and ABC Inc., 1-10 are unknown to Plaintiff, who, therefore sue said defendants by fictitious names. Plaintiffs are informed and believe and therefore allege that each of the defendants designated as John Does 1-10 and/or ABC Inc., 1-10 (names being fictitious and unknown), may have been responsible and may have been the owner, or maintenance company, or agent or servant of the named party defendants and in that capacity caused injury to the plaintiff. Plaintiff will ask leave of this Court to amend the complaint to insert the true names and capacities of the said defendants.

FIRST COUNT

1. On or about April 7, 2020, the plaintiff, DUCIA THOMAS, was lawful invitee / patron/ pedestrian onto the premises/ property location of BJ's WHOLESALE CLUB LOCATED at 396 Luis Munoz Marin Boulevard, in the city of Jersey City, County of Hudson and State of New Jersey.

2. Upon information and belief, on or about April 7, 2020, defendants, BJ'S WHOLESALE CLUB, INC, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), were the sole owner(s) and/or were in the sole control and/or management and/or were otherwise responsible for the premises located at 396 Luis Munoz Marin Boulevard, in the city of Jersey City, County of Hudson and State of New Jersey.

3. On the aforesaid date, defendants, BJ'S WHOLESALE CLUB, INC, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), by and through its/their employee(s), agent(s), representative(s) and/or assign(s) failed to properly maintain, inspect and/or repair the aforesaid premises; and the plaintiff DUCIA THOMAS, while legally

traversing on the exterior parking lot, was caused to fall and to sustain serious and grievous injuries.

4. On the aforesaid date, it was the duty of the defendants BJ'S WHOLESALE CLUB, INC, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), to keep the aforesaid premises in a safe condition so that patrons and pedestrians, such as the plaintiff, legally traversing in the area would not be injured. The defendants, BJ'S WHOLESALE CLUB, INC, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), breached that duty by failing to properly maintain, inspect and/or repair the aforesaid premises and were otherwise careless, reckless and/or negligent in allowing this dangerous, hazardous and/or unsafe condition to exist and/or remain. Without warning the plaintiff of this dangerous, hazardous and/or unsafe condition, defendants, BJ'S WHOLESALE CLUB, INC, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), permitted the plaintiff to use the aforesaid premises, whereby causing the plaintiff to fall.

5. As a direct and proximate result of the defendants' failure to properly maintain, inspect and/or repair the aforesaid premises and to protect against the injury herein, plaintiff DUCIA THOMAS was caused to fall and to receive severe and permanent injuries, to suffer great pain, discomfort, anguish, and anxiety; has incurred and will continue to incur medical and other expenses, and was and has been prevented from performing his usual daily activities.

WHEREFORE, plaintiff DUCIA THOMAS demands judgment against the defendants, BJ'S WHOLESALE CLUB, INC, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), on the First Count for damages, together with interest, attorneys' fees, statutory surcharges, costs of suit, and such other and further relief as the court deems just and proper.

SECOND COUNT

1. Plaintiff repeats each and every allegation of the First Count of the Complaint and incorporates the same by reference as if fully set forth herein.

2. Upon information and belief, defendants BJ'S WHOLESALE CLUB, INC, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious) had knowledge that the aforesaid area of the premises was in a dangerous condition at the time of the plaintiff's fall; that the injuries sustained were proximately caused by the dangerous condition; that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred; that defendant had actual and/or constructive notice of the dangerous condition for a sufficient time prior to the injury to have taken measures to protect against the dangerous condition; knew or should have known of its dangerous character; and knew that the condition had existed for such a period of time and was of such an obvious nature that the defendant, in the exercise of due care, should have discovered the condition and its dangerous character.

3. As a direct and proximate result of defendants', BJ'S WHOLESALE CLUB, INC, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), failure to properly manage, maintain, inspect and/or repair and/or to protect against a dangerous condition in and of the aforesaid area of the premises, the plaintiff was caused to fall and to suffer great pain, discomfort, anguish, anxiety, and medical and other expenses, damages and permanent damage, and will in the future continue to suffer all of the above.

WHEREFORE, Plaintiff DUCIA THOMAS demands judgment against the defendants, BJ'S WHOLESALE CLUB, INC, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), on the Second Count, jointly, severally, and/or in the alternative,

for damages, together with interest, attorneys' fees, statutory surcharges, costs of suit, and such other and further relief as the court deems just and proper.

Date: March 24, 2022

PETER MICHAEL LAW, LLC

By: /s/ *Peter A. Michael*
PETER A. MICHAEL, ESQ.
Attorney for Plaintiff

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all issues.

Date: March 24, 2022

PETER MICHAEL LAW, LLC

By: /s/ *Peter A. Michael*
PETER A. MICHAEL, ESQ.
Attorney for Plaintiff

DESIGNATION OF TRIAL COUNSEL

The undersigned hereby designates **PETER A. MICHAEL, ESQ.** as trial counsel in the above captioned action.

Date: March 24, 2022

PETER MICHAEL LAW, LLC

By: /s/ *Peter A. Michael*
PETER A. MICHAEL, ESQ.
Attorney for Plaintiff

REQUEST FOR FORM INTERROGATORIES

Please take notice that pursuant to R. 4:17-1(b)(1), request is hereby made of Defendant(s) answers to Form C and C (1) Form Interrogatories.

Date: February 24, 2022

PETER MICHAEL LAW, LLC

By: /s/ *Peter A. Michael*
PETER A. MICHAEL, ESQ.
Attorney for Plaintiff(s)

DOCUMENT PRODUCTION DEMAND

PLEASE TAKE NOTICE that pursuant to New Jersey Court Rule 4:18-1, the plaintiffs demand production for purposes of inspection and copying at the offices of Peter Michael Law LLC, 567 Summit Avenue, Jersey City, New Jersey, within 10 days after service of the within pleadings, the following items:

All certificates of insurance and insurance policies maintained by the defendants which was in effect as of the date of this accident in accordance with New Jersey Court

Rule 4:10-2(b) together with all relevant exclusions, limitations and restrictions on applicable coverage limits as relate to the matters set forth in this complaint; and

Any and all statements made by any party to this lawsuit in the possession of the defendant(s) whether written or recorded.

Date: March 24, 2022

PETER MICHAEL LAW, LLC

By: /s/ *Peter A. Michael*
PETER A. MICHAEL, ESQ.
Attorney for Plaintiff

Civil Case Information Statement

Case Details: HUDSON | Civil Part Docket# L-001032-22

Case Caption: THOMAS DUCIA VS BJ'S WHOLESALE CLUB, INC.

Case Initiation Date: 03/25/2022

Attorney Name: PETER A MICHAEL

Firm Name: PETER MICHAEL LAW, LLC

Address: 567 SUMMIT AVE

JERSEY CITY NJ 07306

Phone: 2015005500

Name of Party: PLAINTIFF : THOMAS, DUCIA

Name of Defendant's Primary Insurance Company
(if known): SEDGWICK

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:
Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Are sexual abuse claims alleged by: DUCIA THOMAS? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

03/25/2022
Dated

/s/ PETER A MICHAEL
Signed

EXHIBIT B

PETER MICHAEL LAW, LLC.

Peter Michael, Esq.

567 Summit Avenue

Jersey City, NJ 07306

P: (201) 292-1930

F: (201) 603-6775

Attorney ID#: 239882018

Attorney for Plaintiff

DUCIA THOMAS,

Plaintiff,

V.

BJ'S WHOLESALE CLUB, INC., ROBERT REYES, JOHN DOES 1-10 (said names being fictitious), ABC INC. 1-10 (said names being fictitious),

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY**

DOCKET NO: HUD-L-1032-22

CIVIL ACTION

**FIRST AMENDED
COMPLAINT**

Plaintiff, DUCIA THOMAS, by way of complaint against the Defendants, says:

THE PARTIES

1. Plaintiff, DUCIA THOMAS, is an individual residing at 12 Paterson Road, in the City of Jersey City, County of Hudson, and State of New Jersey.

2. Upon information and belief, defendant BJ'S WHOLESALE CLUB, INC., is a domestic corporation having a principal place of business at 396 Luis Munoz Marin Boulevard, in the City of Jersey City, County of Hudson, and State of New Jersey, and is licensed and/or authorized to transact business in the State of New Jersey.

3. Upon information and belief, defendant ROBERT REYES, manager at BJ's Wholesale Club, Inc., is an individual having a principal place of employment at 396 Luis Munoz Marin Boulevard, in the City of Jersey City, County of Hudson, and State of New Jersey, and is

licensed and/or authorized to transact business in the State of New Jersey

4. Upon information and belief, defendant Advanced Property Management, Inc., is a domestic corporation having a principal place of business at 250 Pehle Ave., Suite 200, in the Township of Saddle Brook, County of Bergen, and State of New Jersey, and is licensed and/or authorized to transact business in the State of New Jersey.

5. On the date and time aforesaid, the true names or capacities, whether individual or corporate, associate, or otherwise of defendants John Does 1-10 and ABC Inc., 1-10 are unknown to Plaintiff, who, therefore sue said defendants by fictitious names. Plaintiffs are informed and believe and therefore allege that each of the defendants designated as John Does 1-10 and/or ABC Inc., 1-10 (names being fictitious and unknown), may have been responsible and may have been the owner, or maintenance company, or agent or servant of the named party defendants and in that capacity caused injury to the plaintiff. Plaintiff will ask leave of this Court to amend the complaint to insert the true names and capacities of the said defendants.

FIRST COUNT

1. On or about April 7, 2020, the plaintiff, DUCIA THOMAS, was lawful invitee / patron/ pedestrian onto the premises/ property location of BJ's WHOLESALE CLUB LOCATED at 396 Luis Munoz Marin Boulevard, in the city of Jersey City, County of Hudson and State of New Jersey.

2. Upon information and belief, on or about April 7, 2020, defendants, BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), were the sole owner(s) and/or were in the sole control and/or management and/or were otherwise responsible for the premises located at 396 Luis Munoz Marin Boulevard, in the city of Jersey City, County of Hudson and State of New Jersey.

3. On the aforesaid date, defendants, BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), by and through its/their employee(s), agent(s), representative(s) and/or assign(s) failed to properly maintain, inspect and/or repair the aforesaid premises; and the plaintiff DUCIA THOMAS, while legally traversing on the exterior parking lot, was caused to fall and to sustain serious and grievous injuries.

4. On the aforesaid date, it was the duty of the defendants BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), to keep the aforesaid premises in a safe condition so that patrons and pedestrians, such as the plaintiff, legally traversing in the area would not be injured. The defendants, BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), breached that duty by failing to properly maintain, inspect and/or repair the aforesaid premises and were otherwise careless, reckless and/or negligent in allowing this dangerous, hazardous and/or unsafe condition to exist and/or remain. Without warning the plaintiff of this dangerous, hazardous and/or unsafe condition, defendants, BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), permitted the plaintiff to use the aforesaid premises, whereby causing the plaintiff to fall.

5. As a direct and proximate result of the defendants' failure to properly maintain, inspect and/or repair the aforesaid premises and to protect against the injury herein, plaintiff DUCIA THOMAS was caused to fall and to receive severe and permanent injuries, to suffer great pain, discomfort, anguish, and anxiety; has incurred and will continue to incur medical and other expenses, and was and has been prevented from performing his usual daily activities.

WHEREFORE, plaintiff DUCIA THOMAS demands judgment against the defendants, BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), on the First Count for damages, together with interest, attorneys' fees, statutory surcharges, costs of suit, and such other and further relief as the court deems just and proper.

SECOND COUNT

1. Plaintiff repeats each and every allegation of the First Count of the Complaint and incorporates the same by reference as if fully set forth herein.
2. Upon information and belief, defendants BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious) had knowledge that the aforesaid area of the premises was in a dangerous condition at the time of the plaintiff's fall; that the injuries sustained were proximately caused by the dangerous condition; that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred; that defendant had actual and/or constructive notice of the dangerous condition for a sufficient time prior to the injury to have taken measures to protect against the dangerous condition; knew or should have known of its dangerous character; and knew that the condition had existed for such a period of time and was of such an obvious nature that the defendant, in the exercise of due care, should have discovered the condition and its dangerous character.
3. As a direct and proximate result of defendants', BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), failure to properly manage, maintain, inspect and/or repair and/or to protect against a dangerous condition in and of the aforesaid area of the premises, the plaintiff was caused

to fall and to suffer great pain, discomfort, anguish, anxiety, and medical and other expenses, damages and permanent damage, and will in the future continue to suffer all of the above.

WHEREFORE, Plaintiff DUCIA THOMAS demands judgment against the defendants, BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), on the Second Count, jointly, severally, and/or in the alternative, for damages, together with interest, attorneys' fees, statutory surcharges, costs of suit, and such other and further relief as the court deems just and proper.

THIRD COUNT

1. Plaintiff repeats each and every allegation of the Second Count of the Complaint and incorporates the same by reference as if fully set forth herein

2. At the aforesaid time and place, Defendants, BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious) by and through its employees, managers, supervisors, agents, representatives and/or assigns, negligently, carelessly and/or recklessly failed to supervise its premises and to keep the Plaintiff safe from harm.

3. As a direct and proximate result of the aforesaid negligent, careless and/or reckless actions or inactions of Defendants, BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), and its employees, managers, supervisors, agents, representatives and/or assigns, the Plaintiff suffered severe and permanent injuries, was caused to suffer great pain and suffering, has incurred and will continue to incur considerable medical expenses in being examined and treated for said injuries, suffering both physical and emotional injuries of both a temporary and permanent nature, sustained

a loss of wages and other special damages, and was prevented from performing her usual daily activities.

WHEREFORE, Plaintiff DUCIA THOMAS demands judgment against Defendants, BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), for compensatory damages in an amount to be determined at trial; and for interest, costs of suit, and such other and further relief as the Court deems just and proper.

FOURTH COUNT

1. Plaintiff repeats each and every allegation of the Third Count of the Complaint and incorporates the same by reference as if fully set forth herein
2. By and through its employees, agents, representatives and/or assigns, Defendants' omissions, conduct, breaches, failures and gross negligence were in conscious, willful, wanton and reckless disregard for the safety of the Plaintiff.

WHEREFORE, Plaintiff DUCIA THOMAS demands judgment against Defendants, BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), for compensatory damages in an amount to be determined at trial; and for interest, costs of suit, and such other and further relief as the Court deems just and proper.

FIFTH COUNT

1. Plaintiff repeats each and every allegation of the Fourth Count of the Complaint and incorporates the same by reference as if fully set forth herein

2. At all times referred to herein, Defendants BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), were insured under a liability insurance policy issued to BJ'S WHOLESALE CLUB.

3. As a result of the negligence of the Defendants, BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), the Plaintiff has sustained medical expenses and will in the future continue to sustain medical expenses which Defendants, BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), are liable for payment.

WHEREFORE, Plaintiff DUCIA THOMAS demands judgment against Defendants, BJ'S WHOLESALE CLUB, INC, ROBERT REYES, JOHN DOES 1-10 (said named being fictitious), ABC INC 1-10 (said names being fictitious), for payment of said incurred medical expenses.

Date: April 6, 2022

PETER MICHAEL LAW, LLC

By: /s/ *Peter A. Michael*
PETER A. MICHAEL, ESQ.
Attorney for Plaintiff

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all issues.

Date: April 6, 2022

PETER MICHAEL LAW, LLC

By: /s/ *Peter A. Michael*
PETER A. MICHAEL, ESQ.
Attorney for Plaintiff

DESIGNATION OF TRIAL COUNSEL

The undersigned hereby designates **PETER A. MICHAEL, ESQ.** as trial counsel in the above captioned action.

Date: April 6, 2022

PETER MICHAEL LAW, LLC

By: /s/ *Peter A. Michael*
PETER A. MICHAEL, ESQ.
Attorney for Plaintiff

REQUEST FOR FORM INTERROGATORIES

Please take notice that pursuant to R. 4:17-1(b)(1), request is hereby made of Defendant(s) answers to Form C and C (1) Form Interrogatories.

Date: April 6, 2022

PETER MICHAEL LAW, LLC

By: /s/ *Peter A. Michael*
PETER A. MICHAEL, ESQ.
Attorney for Plaintiff(s)

DOCUMENT PRODUCTION DEMAND

PLEASE TAKE NOTICE that pursuant to New Jersey Court Rule 4:18-1, the plaintiffs demand production for purposes of inspection and copying at the offices of Peter Michael Law LLC, 567 Summit Avenue, Jersey City, New Jersey, within 10 days after service of the within pleadings, the following items:

All certificates of insurance and insurance policies maintained by the defendants which was in effect as of the date of this accident in accordance with New Jersey Court Rule 4:10-2(b) together with all relevant exclusions, limitations and restrictions on applicable coverage limits as relate to the matters set forth in this complaint; and

Any and all statements made by any party to this lawsuit in the possession of the defendant(s) whether written or recorded.

Date: April 6, 2022

PETER MICHAEL LAW, LLC

By: /s/ *Peter A. Michael*
PETER A. MICHAEL, ESQ.
Attorney for Plaintiff

EXHIBIT C

From: Stelnick, Kelly
Sent: Friday, April 1, 2022 1:53 PM
To: 'PMICHAEL@PMLNJ.COM'
Cc: McConnell, John M.
Subject: Thomas v. BJ's Wholesale Club, Inc. - Stipulation to Limit Damages
Attachments: Stip to Limit Damages.pdf

Hi Peter,

Please be advised we represent Defendant BJ's Wholesale Club, Inc. in this case. Enclosed please find a Stipulation to Limit Damages to \$75,000. If your client does not sign and return this by the close of business on April 7, 2022, we will have no choice but to remove this matter to the Federal Court. Thank you very much.

Sincerely,
John McConnell

Kelly Stelnick | Legal Assistant

301 Carnegie Center Drive, Suite 200 | Princeton, NJ 08540-6587

MAIL PO Box 580, Buffalo, NY 14201

DIRECT 609.986.1378 | **EXT** 5778 | **FAX** 609.986.1301

KStelnick@goldbergsegalla.com

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California | Connecticut | Florida | Illinois | Maryland | Missouri

New Jersey | New York | North Carolina | Pennsylvania

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John M. McConnell, Esq. [#028152006]

Goldberg Segalla LLP

Mailing Center: PO Box 580, Buffalo, NY 14201

301 Carnegie Center, Suite 200

Princeton, NJ 08540

609.986.1300

609.986.1301 (fax)

Attorneys for BJ's Wholesale Club, Inc.

DUCIA THOMAS,

Plaintiff(s),

v.

BJ'S WHOLESALE CLUB, INC., JOHN
DOES 1-10 (said names being fictitious),
ABC INC. 1-10 (said names being fictitious),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY
DOCKET NO. HUD-1032-22

STIPULATION TO LIMIT DAMAGES

Plaintiff Dacia Thomas (hereinafter referred to as "Plaintiff") and Defendant BJ's Wholesale Club, Inc. hereby understand and agree to the following:

1. Defendant BJ's Wholesale Club, Inc. has the right, pursuant to 28 U.S.C. § 1441 to remove the above captioned matter to Federal Court;
2. Defendant BJ's Wholesale Club, Inc. is willing to forego this right in exchange for the agreement of Plaintiff to limit the damages which Plaintiff is entitled to recover in the above captioned matter, if any; and
3. In reliance upon the express agreement of Plaintiff and Defendant BJ's Wholesale Club, Inc. to the limitation of damages set forth herein, Defendant BJ's Wholesale Club, Inc. will agree not to exercise its right to remove the above captioned matter to the Federal Court.

Therefore, on this _____ day of _____ 2022, Plaintiff and Defendant BJ's Wholesale Club, Inc. hereby stipulate and agree that the full amount and/or value of any and all damages (including interest, fees and costs) to which Plaintiff may be entitled in the above captioned matter shall not exceed seventy-five thousand dollars and zero cents (\$75,000.00).

PETER MICHAEL LAW, LLC

PETER MICHAEL, ESQ.

Attorneys for Plaintiff Dacia Thomas

Date: April __, 2022

GOLDBERG SEGALLA, LLP

JOHN MCCONNELL, ESQ.

Attorneys for Defendant BJ's Wholesale Club, Inc.

Date: April __, 2022

EXHIBIT D

From: McConnell, John M.
Sent: Thursday, April 7, 2022 4:13 PM
To: 'Peter Michael'
Cc: Stelnick, Kelly
Subject: RE: Thomas v. BJ's Wholesale Club, Inc. - Stipulation to Limit Damages

Hi Peter. Thank you for the email of today and a courtesy copy of the Amended Complaint. Please let this letter confirm that on April 1, 2022, we sent you a stipulation asking your client to limit damages to \$75,000, and if your client would not sign this, we would proceed to remove it. In response, on April 4, 2022, you called me and advised that Plaintiff would not sign a stipulation to limit damages, but that Plaintiff did not want BJ's to remove this matter and did not want to be in Federal Court. At that point, you provided a settlement demand and sent me a copy of Plaintiff's medical records/damages proofs, so that we could attempt to work out a potential resolution. In that April 4, 2022 conversation, at your request, I agreed not to remove the matter to the Federal Court until April 7, 2022, so that the parties could attempt to work on a resolution. However, on April 6, 2022, counsel for Plaintiff filed an Amended Complaint, which caption names a "Robert Reyes", as purportedly a manager for BJ's. .

Thanks.

John

EXHIBIT E

From: Peter Michael <pmichael@pmlnj.com>
Sent: Thursday, April 7, 2022 4:15 PM
To: McConnell, John M.
Cc: Stelnick, Kelly
Subject: RE: Thomas v. BJ's Wholesale Club, Inc. - Stipulation to Limit Damages

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

John,

Confirmed and correct. I did not know you were agreeing not to move to Federal court. I filed the amended complaint to protect my clients rights.

We are still open to discussing a resolution on this matter.

Thanks!

Best Regards,
Peter A. Michael, Esq.
PETER MICHAEL LAW, LLC.
567 Summit Avenue
Jersey City, NJ 07306
P: (201) 500-5500
F: (201) 603-6775
www.PMLAWNJ.com
pmichael@PMLNJ.com

CONFIDENTIALITY NOTE: This e-mail message is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections [2510-2521](#). The information contained in this e-mail is legally privileged and confidential and intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this information is STRICTLY PROHIBITED. If you have received this e-mail in error, please notify us by e-mail or by telephone immediately and delete and destroy all copies of the material, including all copies stored in the recipient's computer, printed, or saved to disk. Thank you for your assistance and cooperation.